Liberty

NOT THE DAUGHTER BUT THE MOTHER OF ORDER — PROUDHON

Vol. XII.—No. 4. NEW YORK, N. Y., JULY, 1897. Whole No. 354.

"For always in thine eyes, O Liberty!
Shines that high light whereby the world is saved;
And though thou slay us, we will trust in thee."

JOHN HAY.

On Picket Duty.

Read the advertisement on the eighth page wherein the publisher of Olive Schreiner's "Three Dreams in a Desert" announces her intention of issuing an *édition de luxe* of that booklet, and asks for coöperation. There must be not a few among Liberty's readers who will desire to take advantage of her advance offer of ten copies for a dollar, as this remarkable work in new and dainty dress will make a pretty and appropriate souvenir for presentation to friends who can appreciate it.

By the death of William A. Whittick Anarchism loses a comrade sincere, honest, genuine, and generous. His interest in the movement was earnest and unflagging, and seemed never greater than during the last year of his life, when, though too ill to attend to business, he found energy for propagandism in his stronger moments. He was an Englishman by birth, but had lived long in this country. The disease which led to his death on July 12, at the age of forty-nine, was cirrhosis of the kidneys. In the radical circles of Philadelphia, where he was ever present and ever welcome, the inspiration of his buoyant enthusiasm will be sadly missed.

My English correspondent, Orford Northcote, makes a woful mistake in characterizing Tennie Claflin as "a well-meaning person who writes voluminously on social subjects." She is not a well-meaning person, nor does she write voluminously on social subjects. It is true that voluminous contributions to the press of two continents appear over her signature, but she does not write them. I know that she does not, for I know that she cannot. If she were to undertake a public examination upon the subjects of which she professes to treat before the public, she would present a very sorry spectacle,—not as sorry, however, as that of England humbugged by herself and her still more reprehensible sister. It is true that we Americans too were once humbugged by them,—I among the number; but this does not excuse the English, who had ample opportunity to profit by our experience.

It not infrequently happens that a writer who has a new idea to present, in his anxiety to anticipate the criticisms naturally to be expected from those in whom the new idea is likely to excite hostility, neglects the fact that other criticisms may come later from a more friendly source, and, in his care to make his argument proof against the former, so carelessly misstates his own position as to make it vulnerable by the latter. Such was the case of Colonel Greene when he wrote "Mutual Banking." At that time the banks of issue in vogue were the old State banks professing to redeem their notes in specie on demand. It was this system which he had to combat, and the entire assault of "Mutual Banking" is upon a demand-note currency. There being no other currency in the people's mind, he had not to guard against other ideas. Consequently he declared the mutual bank-notes' independence of hard money in language so absolute and unqualified as to give some color to the latter-day claim made by Henry Cohen that his plan excludes specie-redemption at any time and under all circumstances. If the passages which Mr. Cohen quotes in another column are to be construed with all the rigor that he seems to desire, they absolutely exclude the use of the specie dollar; but that Colonel Greene contemplated no such exclusion is undoubtedly shown by his declaration that no paper bill of less than five dollars should be issued, in which case disuse of the specie dollar would mean disuse of all dollars, for the specie dollar would be the only dollar in existence. The alternative, then, is to construe these passages liberally rather than literally, and in the light of the fact that an essential feature of the Mutual Banking plan is the provision of a collateral to serve for the redemption of notes not cancelled in the ordinary fashion. Despite the keen intellectual quality shown in "Mutual Banking" as a whole, it contains here and there obviously inexact statements that will not bear analysis. There is, for instance, the declaration that the mutual bank is by its nature incapable of owing anything,—a clear absurdity if vigorously insisted upon instead of being interpreted by the context; for Colonel Greene elsewhere defines the issue of mutual money as an exchange of credits,—an exchange inconceivable between two parties one of whom is by nature incapable of indebtedness. I might take up the cited passages *seriatim*, but it is needless, for my general answer covers the ground. Possibly Mr. Cohen's suggestion that the security for uncancelled notes would be converted by sale partly into bank-notes and partly into gold, the former to satisfy the bank's claim and the latter to satisfy the borrower's equity, meets my argument that the collateral would have to be converted into gold because of the rights of the borrower,—though I have some doubts as to the practicability of the plan,—but my argument that the collateral could not be converted into bank-notes unless these bank-notes had first shown a greater power of general circulation than they would be likely to acquire by a mere agreement of members to receive them in trade regardless of redeemability in specie remains untouched. To be sure, Mr. Cohen urges that the notes will float if enough members join to insure their immediate convertibility into all marketable products; but to assume that a membership of this size and variety can be obtained, and that the non-enforcible agreement of the members to receive the notes in trade would inspire the same confidence in them that would be inspired by an enforcible agreement of the issuer to redeem them in specie, is to beg the question. It is this consideration—the necessity of inspiring confidence in the notes—that makes it desirable that the notes should mature,—that is, be made redeemable by the issuer under definitely-prescribed conditions. Which brings me to Mr. Tandy's criticism. His error lies not in his logic, which is sound, but in his false premise,—namely, that the tendency of the matured note to flow back to the bank is no greater, and perhaps less, than the tendency of the unmatured note to so flow back. If this were true, then the conditions ultimately resulting would not differ materially from those obtaining under a demand-note currency. But it is not true. Most of the mutual banks would probably be banks of deposit as well as of issue, and large sums of circulating currency would be constantly passing through their hands, as a result of which they would be able, not only by their individual efforts, but by their associative efforts taking effect through the clearing-house, to call in matured notes, paying out in their stead unmatured notes previously paid in by borrowers in cancellation of loans. Mr. Tandy hints, to be sure, that there would be a counter-effort on the outside to corner matured notes in the hope of their going to a premium. I do not think this in the least likely, for people seldom execute movements which may be so simply and easily thwarted. It would not take a very expert financier to knock such a corner in the head. Suppose the bank notes were promises to pay in gold, dollar for dollar, thirty days after presentation at maturity or later, but subject to a proviso that all notes presented later than, say, ninety days after maturity should be liable, at the option of the bank, to a discount from the face value at a percentage rising in the ratio of the period of delay. How long, in Mr. Tandy's opinion, would a corner in matured notes last under such circumstances? He has discovered a mare's-nest.

Liberty.

Issued Monthly at Sixty Cents a Year; Two Years, One Dollar; Single Copies, Five Cents.

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Office of Publication, 24 Gold Street.
Post Office Address: LIBERTY, P. O. Box No. 1312, New York, N. Y.

Entered at New York as Second-Class Mail Matter.

NEW YORK, N. Y., JULY, 1897.

"In abolishing rent and interest, the last vestiges of old-time slavery, the Revolution abolishes at one stroke the sword of the executioner, the seal of the magistrate, the club of the policeman, the gauge of the exciseman, the erasing-knife of the department clerk, all those insignia of Politics, which young Liberty grinds beneath her heel." — PROUDHON.

☞ The appearance in the editorial column of articles over other signatures than the editor's initial indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word. But the appearance in other parts of the paper of articles by the same or other writers by no means indicates that he disapproves them in any respect, such disposition of them being governed largely by motives of convenience.

The Danger of Intelligence.

"On Being Civilized Too Much" is the title of an essay in the "Atlantic" which has elicited no little praise. The writer, Henry C. Merwin, is certainly plausible and clever, but it is plain that neither he or his sympathizers perceive the logical implications of his paradox. He argues in favor of closeness to nature, of the preservation of certain primeval impulses, such as pity, pugnacity, and pride. Nature, he says, has decided against the man who has lost these traits.

No one will demur to this. But is it true, as Mr. Merwin avers, that men in highly-civilized societies and classes have lost these impulses, and therefore entered upon a phase of decadence and degeneracy? Here the question is simply one of fact. Do we really find that highly-educated men are deficient in those natural qualities which keep the race strong and vigorous? Let us accept the writer's own test, and ask whether the greatest men of the age have betrayed cruelty, meekness, and self-depreciation to any marked extent. Take the gentlest of the whole group of modern thinkers,—Darwin. He certainly was not "pugnacious," but did he lack pride, confidence, firmness, and courage? Was he deficient in sympathy and pity? And how about Tyndall, Huxley, Spencer, Proudhon, Marx, or even Morley and other middle-class leaders?

In point of fact, the notion that education and scientific culture have a weakening and demoralizing effect is without any substantial foundation. Cultured men have their share of pride and aggressiveness, and perhaps more than their share of pity. The trouble with men like the "Atlantic" writer is that he misconceives the significance of a very striking fact, and makes a hasty generalization. He does find that men of education and reflective habits are, *in certain respects and relations*, inclined to be skeptical, indifferent, dubious, and passive. Deliberation, indecision, and aversion to summary and definite policies, in particular spheres, are confounded with a general inability to act vigorously and spontaneously. The source of the writer's error will perhaps appear from the following quotation:

> The sensible people, the well-educated, respectable people, of the day are almost sure to be on the wrong side of every great moral question when it first arises. They mean to do right, but they trust to their logical faculties, instead of to their instincts; and the consequence is that they are eager to stone those very reformers of whom, in later years, they become the most ardent admirers. These men are for unrestricted vivisection to-day, just as they were for slavery forty years ago. . . . When any great moral emergency arises, the people will act upon it with substantial unanimity, because they decide such matters, not by balancing arguments, but by trusting to their instincts. On the other hand, popular government would probably be impossible in a nation of clever, well-educated people. If everybody were sophisticated and artificial, if everybody reasoned about everything and took care not to act from natural impulses, harmonious political action would become impossible. We should have, at first, factions instead of parties, then individuals instead of factions, and then chaos. There is an approach to this condition of things in France to day.

The observations made are true, the conclusions drawn false. The educated people are sure to be wrong on every great moral question, provided we accept the multitude's idea of morality. The truth, of course, is that, as Ibsen says, the majority it is which is always wrong, because unprogressive and short-sighted and wedded to tradition and dogma. Who starts reformatory movements? Who discovers new truths? And how are intellectual pioneers and original thinkers treated by the masses? *Of course* the educated are always on the wrong side of every great issue—in the eyes of the majority. Mr. Merwin's proposition is truistic from one point of view, and fallacious from another. He states a fact, but he identifies himself with the wrong party, and looks through the wrong spectacles.

"On the other hand," it is doubtless true that "popular government" would be impossible in a nation of clever, well-educated people. Harmonious political action, in the sense intended by the writer, would certainly become impossible. The fiat of the majority would not be accepted as law without question. It would be rather difficult to make men swallow monopolistic laws and barbarous prohibitions. The "Atlantic" writer may be appalled by the very thought, but "popular government" is not the necessity he imagines it to be. In fact, when he admits that education is fatal to government, he implies that it cannot permanently maintain itself. Or is he to be understood as pleading for restriction of educational facilities and hindering the spread of knowledge?

However, Mr. Merwin, being a good governmentalist, does not really mean to affirm that devotion to government argues inferiority and stupidity. He talks about the "natural promptings of the heart," the sound and deep conservative instincts of the people, the instinctive perception of honor and justice as contradistinguished from the erratic conclusions of the intellect. If pressed, he would probably seek refuge in the distinction between the teachings of books and the teaching of life and experience. He would say that it is not knowledge that is dangerous, but only a certain kind of knowledge. Unfortunately, the logical inference from this position would remain unaffected,—that the more schools, libraries, universities, books, and periodicals a nation has, the surer and speedier will be its decline; that every economist, sociologist, historian, statistician, and philosopher is an enemy of organized society and government.

The writer's illustrations of this proposition are highly amusing and characteristically one-sided. Take the Mugwumps, he says. They are educated, refined, conscientious, and moral, but they are regarded with distrust by everybody. They are not in sympathy with the rest of their countrymen, and stand apart from the main current of national life. According to the writer, the Mugwumps are wrong in their political ideas, while the unlettered and ignorant voters are right. The Mugwumps are, as a rule, free traders, but the "people" are against them. Does it follow that protection is sound and advantageous? If yes, how about the instinctive perceptions of the people in 1892, when Cleveland's free trade views were triumphantly vindicated? If no, how about the "instincts" in the last two congressional elections, when protection was reasserted and restored to popular favor?

In the last campaign the Mugwumps were in favor of the gold standard, while the uneducated were almost evenly divided. How about the "instincts" of the people? Does it not appear that instincts are as untrustworthy as "the erratic conclusions of the intellect"?

Again, in the civil war the writer finds proof of his contention. Among the leaders of opinion there was extreme discordance, and, if the decision had been left to them, the south would have been suffered to secede. But the people did not sit down to reason the matter out; they went to war from impulse, from inherited instinct, and the idea of disunion was not tolerated by them for a moment. But, in the first place, how about the equal unanimity and enthusiasm of the people of the south,—how about *their* impulses and instincts? In the second place, the issue was not whether union was good or bad, necessary or unnecessary, but whether the constitution which was the charter of the federal government guaranteed and conferred the right of secession. Are we to understand that instinct not only determines right and wrong, but questions of historical fact and logical interpretation?

The "Atlantic" writer has got hold of half a truth. Political education (not general education) conduces to division, doubt, and opposition to accepted doctrines and established institutions. Education is certainly not fatal to industry, manners, and social intercourse. Voluntary associations for recreation, pleasure, benevolent activity, and scientific research certainly thrive in advanced communities. Religion, governmentalism, and conventional morality alone suffer, but the trouble is not with education. They do not bear inquiry, and fall into disrepute. Yes, to superstition of every kind education is dangerous, but "closeness to nature" is not the safeguard or remedy. Ignorance and blind obedience are the pillars of whatever in present society is a survival from the dark past. Society is improving only slowly, not because the masses are close to nature, but because they are wofully ignorant—ignorant of nature as well as of art.

V. Y.

A Blow at Trial by Jury.*

MR. PRESIDENT AND FRIENDS:

I hold in my hand an official reprint copy of Chapter 378 of the State laws of 1896. This chapter consists of an act in twenty-three sections, which, after passing the legislature, became a law by the affixing of Governor Morton's signature on April 23, 1896. It bears this title:

An act providing for a special jury in criminal cases in each county of the State having a certain population, and for the mode of selecting and procuring such special juries; also, creating a special jury commissioner for each of such counties, and regulating and prescribing his duties.

This title *does* accurately and specifically describe the immediate objects of the act. I assert, nevertheless, that its ulterior purposes would have been more clearly revealed, and that its exterior would have better harmonized with its "true inwardness," had it been entitled "An act providing for the enforcement of those laws of the State of New York which, having found their way into the statute-books only through the insidious machinations of a clique or a cabal or a boss or an interest or a handful of fanatics, are so unpopular with the citizens of the State of New York that a conviction of the violation of them can seldom, if ever, be secured from a jury fairly and impartially impaneled from the mass of sober-minded people."

This assertion it is now my purpose to make good. To do so it is unnecessary to make an elaborate statement of the provisions of the law. A circular setting forth its most obnoxious features has been distributed among you, and I shall assume that you are now familiar with them. I may say, however, in the briefest way, that the law provides that, in each county of the State containing five hundred thousand people,—that is, in New York and Kings counties only,—a special commissioner of jurors shall be appointed by a majority of the justices of the appellate division of the supreme court; that his term of office shall be five years, but that he shall be removable at pleasure and without cause by the justices who appointed him, who shall also fix his salary, within a maximum limit of six thousand dollars year; that he shall select from the list of ordinary trial jurors, after personal examination, at least three thousand special jurors, and as many more as the appellate justices may direct, any of which special jurors he may thereafter strike from the special jury list at his pleasure, replacing them with others equally of his own selection; that he shall not select as a special juror any person who has been convicted of a criminal offence, or any person who possesses such conscientious opinions in regard to the death penalty as would preclude his finding a defendant guilty if the crime charged be punishable with death, or any person who avows such a prejudice against any law of the State as would preclude his finding a defendant guilty of violating such law; that the special jurors chosen shall be exempt from ordinary jury duty, and that no one of them shall serve on a special jury oftener than once a year; that in any criminal case, upon application from either side, the justices of the appellate division may order a special jury trial if for any reason the due, efficient, and impartial administration of justice requires it; and that, when the special jury trial thus ordered shall come on before the trial court below, the ruling of the trial court upon the admissibility to the jury box of any juror challenged for bias shall be final and not a subject of exception.

Under this law special jury commissioners have been appointed for the counties of New York and Kings, and their offices are in full operation. How much progress has been made in Kings I do not know, but in New York large numbers of citizens have been before the commissioner for examination at his office in the Constable Building at the corner of Eighteenth street and Fifth avenue, and it was stated a few days ago in the newspapers that he had so far secured 2,909 out of the needed 3,000 special jurors. Among others I had an interesting session with the commissioner,—or, rather, with one of his subordinates, for I did not succeed in penetrating to the inner temple, but fell down at one of the outer gates. And I may note here, by the way, as the single favorable comment that can be made upon this special jury system, that the printed notices served upon those whom the commissioner wishes to examine, instead of commanding them to appear, request them to appear. You will observe that better manners prevail in the aristocratic offices of this aristocratic commissioner on aristocratic Fifth avenue than in the more democratic offices of the ordinary commissioner of jurors, who, within sight of the unemployed on the benches of City Hall park, has to deal with the common herd. Let us find a crumb of comfort, if we can, in this improvement in official deportment.

To each person appearing for examination a printed blank is supplied, which he is expected to fill out, sign, and swear to, as a condition of admission to the special jury list. Of the printed statements contained in the blank, the following, for reasons which I will give presently, are the most objectionable:

I have not been convicted of a criminal offence.

I do not possess conscientious opinions with regard to the death penalty which would preclude me from finding a defendant guilty, if the crime charged be punishable with death.

I have not such a prejudice against any law of the State as would preclude my finding a defendant guilty of violating such law.

In connection with this blank each person receiving it is subjected to a personal examination by the commissioner or one of his subordinates. He is examined in detail upon each of the statements contained in it, and, in the multitude of questions asked him, two hypothetical cases, evidently chosen with deliberation, are propounded, accompanied by a request that he state what course he would pursue in each.

Here let me say that, in presenting my views of this matter before a small company recently, I found the phrase "hypothetical question" to be a cause of misunderstanding. Even a lawyer, then present, who ought to have known better, supposed a hypothetical question to be a question that might be asked, but is not asked, whereas every lawyer ought to know that in legal usage a hypothetical question is one which is actually asked, but which assumes hypothetical or supposed conditions, and inquires of the party questioned what course he would pursue, or at what conclusion he would arrive, under the supposed conditions.

Do not misunderstand me, then. The hypothetical questions now referred to were actually put to me at the commissioner's office; they were actually put to others; and, in my belief, they are actually put to all, or nearly all, the persons who appear for examination. They are of importance, because they clearly indicate the intent of the framers and executors of the special jury law to use it for the enforcement of unpopular statutes which the average juror will not consent to enforce. Not that the framers and executors have seriously at heart the enforcement of the particular unpopular statutes involved in the two hypothetical cases, but they are confident that any man submissive enough to aid in enforcing these will also prove submissive enough to aid in enforcing the laws which they have seriously at heart,—the laws that sustain the privileged classes in their privileges, and the laws that strip the masses of their rights in order to make them an easy prey for the exploiter.

These, then, are the two hypothetical questions propounded, as nearly as I can remember them:

1. "Supposing you to be a juror in a case where a girl is accused of killing a man who had betrayed her and declined to fulfil a promise of marriage, and suppose the evidence to clearly establish the defendant's guilt, would the knowledge that a verdict of guilty would result in the imposition and execution of a death sentence prevent you from finding such a verdict?"

2. "Supposing you to be a juror in a case where a man is accused of criminally assaulting a girl under eighteen years of age, and supposing the evidence to clearly establish that the act was committed with the girl's knowledge and consent and at her desire, have you any prejudice against the law making such an act, so committed, a criminal assault, punishable by the heavy penalties that attach to such an assault, which would preclude you from finding the defendant guilty of violating it?"

In addition to these two hypothetical questions, particular citation should be made of a third and general question which is asked:

"Would you, being a juror, and being charged by the court upon a point of law, and knowing this point of law to be unsound, decline to accept the ruling?"

Now, a word as to the origin of this special jury law. Something less than two years ago, I think, in consequence of great difficulty that had been experienced in getting a satisfactory jury in a celebrated criminal case, much emphasis was laid in the newspapers on the pressing necessity of removing this obstacle from our legal procedure. Shortly thereafter the newspapers published a proposed special jury law purporting to have been drafted by Justice George C. Barrett, of the New York supreme court. This proposed law was generally commended by the press, and was nowhere attacked, so far as I now remember, save in a paper which I have the honor to edit. Happily or unhappily, according to the view

* A speech delivered by the editor of Liberty at a mass meeting held in Cooper Union, New York, Friday evening, June 26, under the auspices of the Central Labor Union, Typographical Union No. 6, and other labor organizations.

one takes, that paper is read only by thinking people, and consequently the attack never came to the knowledge of our lawmakers,—which need not be regretted, since it would have exercised no influence upon them, if it had. Apparently the matter found its way before the legislature in some form, and action was taken. My memory does not permit me to state whether the law as it now stands corresponds in every particular with Justice Barrett's draft, but I am safe in saying that, if the two differ, they differ in detail alone. The plan and purpose of the existing law are substantially the plan and purpose of Justice Barrett's draft. And be it noted here that the bench record of the author of this law is one of hostility to the rights of organized labor, and that he is himself a member of that appellate division of the supreme court which this law entrusts with a new and unprecedented power.

The law must have been engineered through the legislature with great secrecy, for I, though my profession compels me to be an exceptionally diligent reader of newspapers, saw no record of its passage and no subsequent discussion of it, my first knowledge of the existence of the law coming to me almost a year after its passage in the shape of a notice to appear for examination under its provisions. And up to a month ago, before the publicity given by the present agitation, I had not met a single person, even among lawyers, who had any knowledge of this law which was not the result, directly or indirectly, of the examination of some individual concerning his fitness for special jury service. In the press, up to a month ago, a silence had been maintained regarding it which could hardly have been more complete had it been maintained by conspiracy. And even at this date it can be said that the excellent editorial, adverse to the law, which appeared a few days ago in the New York Daily "News" is the only word of opposition to the law that has appeared in the editorial columns of the New York press.*

Now, my friends, I have laid before you nearly all the information at my disposal concerning this new law. And here I believe that I might safely leave the subject in your hands. It seems to me that argument against this measure is almost a superfluity. The facts alone appear quite sufficient for its condemnation. Nevertheless, with your permission, I will indulge myself in a few words of criticism.

But first let me say that I am not here to-night to question the motives of all who have furthered this law. Doubtless some have acted with the best of intent. The main question to-night is not what motive inspired the law, but what it will be possible for men of bad motive to do with the law when once it has been placed in their hands as an instrument. Even were we to assume, then, that all the initiators, framers, enactors, and executors of this law have been and are prompted only by the purest intentions and a sincere desire to facilitate the administration of perfect justice, it would still remain true that, if, on the contrary, they had been actuated by the most diabolical of designs, by an intent to destroy individual liberty, to undermine public welfare, and to utterly emasculate that chief remaining safeguard of both, the jury system, even in the condition of decline from its former high estate to which previous and gradual judicial usurpations have reduced it,—even then, I say, they could scarcely have framed an instrument better adapted than this law for the fell purpose.

In detailing my criticisms I shall begin with the minor and proceed to the major.

This law, then, is unjust and a piece of special legislation, in that it applies to only two counties in the State. Important and intricate cases, widely commented on by the press, may and do arise in all parts of the State, and not alone in the counties of New York and King; and, if impartial administration of justice requires that such cases be tried by a special jury in one or two counties, it requires that they be so tried in all counties. At the present time, in fact, a very important murder trial is in progress up the State, at Batavia in Genesee county, and, in consequence of the ridiculous system of examining jurors now in vogue, much trouble has been experienced in impaneling a jury. If a special jury system facilitates the administration of justice, why should Genesee county be deprived of this blessing? If the new law tends to promote justice, then the people of the State at large are discriminated against in being shut off from its benefits. If it tends to promote injustice, then the people of New York and Kings are discriminated against in being alone subjected to the evil and oppression that grow out of it.

This law, again, is a public menace in that it clothes the judges of the higher courts, who already exercise prerogatives that are nearer akin to absolute despotism than anything else that this country knows, with a new, alarming, and far-reaching power. It places in the hands of these judges an absolute control of the make-up of the jury in whatever cases they may see fit to try by special jury. The ordinary commissioner of jurors is an appointee of the mayor, not of the courts, and he is not subject to removal by the courts. But this new and special commissioner of jurors is an appointee of the appellate division of the supreme court, and is removable at its pleasure and without cause. The appellate division selects the commissioner and can discharge him at will, and the commissioner selects the jurors and can discharge them at will. This same appellate division fixes the commissioner's salary and the salaries of his subordinates, controls the appointment and removal of all such subordinates, and decides what cases shall be tried by special jury. Thus it has the whole special jury machinery under its immediate and irresponsible control, and can see to it, therefore, that jurors to its liking, and no others, are admitted to the special jury list from which will be drawn the juries to try the most important cases that arise. I submit that this is a distinct and dangerous departure in the direction of judicial usurpation and despotism.

[To be concluded.]

* On the afternoon of the Cooper Union meeting the "Mail and Express" printed a strong leader in opposition to the special jury law.

Owing to the long delay in the appearance of this issue of Liberty, it is thought best to call it the July number. Readers may consider the June number omitted. The "whole number" (354) sufficiently preserves the sequence.

What's This? A Mare's-Nest?

To the Editor of Liberty:

In your article concerning Comrade Cohen's interpretation of Greene, in the April number of Liberty, you use this phrase: "so that no one would ever present a note to the bank, *even after maturity*, for redemption in specie." What do you mean by the words I have italicized? Were the article in question written by one less careful in the use of language, it would seem trivial to pick out a subordinate sentence like this for criticism. If it is a slip on your part, I have but to apologize for being hypercritical. But, from several similar remarks I have noticed in the editorial columns of Liberty from time to time, I infer that you believe all mutual bank notes should mature at definite dates, and be redeemable in specie at the bank any time after that date.

If a mutual bank were to operate upon such a principle, one of two things would be inevitable. Either the bank would be compelled to accept from its borrowers, in cancellation of loans, nothing but notes which have reached maturity; or else a very large portion of the notes which it has in circulation will soon be redeemable in specie on demand. To illustrate, I negotiate a loan of $1,000 from a mutual bank which has notes to the extent of $99,000 outstanding. In return for this sum I give my personal note, amply secured, payable at, say, six months. In order to simplify matters, we will assume that the mutual bank notes mature at the same time. During the six months which follow, the $99,000 the bank had in circulation will mature, and be replaced by other notes which will have six months to run. When my note matures, therefore, the bank will have in circulation $100,000, of which $1,000 have reached maturity, and $99,000 have not. If I have $1,000 in my possession, probably $10 will be in matured notes and $990 in unmatured. There will also be in the hands of other persons $990 of the $1,000 I have originally borrowed, and these notes will be payable in specie on demand at the bank.

If the bank accepts my unmatured as well as my matured notes, it will have outstanding $990 payable in specie on demand. If it continues this method of business, it will only be a short time till all of its notes are payable on demand. In short, we come almost back to the specie basis. If the bank refuses to accept its own unmatured notes, I will have to hustle around and swap my $990 for matured notes. This will involve much time and labor. In order to save myself that labor, I find it to my advantage to go to a note-broker and pay him a premium for the matured notes. From this will surely spring a system of discounting notes.

FRANCIS D. TANDY.

The Special Jury Mass Meeting.

The mass meeting called by the Central Labor Union and Typographical Union No. 6 to protest against the new special jury law was held in Cooper Union on Friday evening, July 25, but in point of numbers was not a success. Scarcely more than three hundred people were present. The slim attendance was attributed by some to the heat, and by others to insufficiency of advertising. Neither explanation is correct. Successful meetings have been held on hotter nights, and the meeting was more than usually well advertised. The true explanation is to be found in the apathy and blindness of the public. The danger that lies in this new law is too remote as yet. When a special jury shall actually have deprived labor of some cherished right, perhaps laborers will then respond to a call for action, and hasten to lock the door of the stable after the horse-thieves have accomplished their work. Meanwhile it is well that the meeting has been held. It has put a number of important people on record, and undoubtedly will cause the authorities to be less hasty in availing themselves of the processes offered by the objectionable law. Thanks are due especially to Comrades James McGill and Aug. McCraith, whose hard and earnest work made the meeting a possibility, and to the Manhattan Liberal Club, which justified its name by liberally abandoning its own regular meeting in order

that its members might attend the Cooper Union meeting. Comrade McGill presided, and, in addition to the address delivered by the editor of Liberty, publication of which is begun in this issue, and will be completed in the next, prior to its appearance as a pamphlet, stirring speeches were made by E. Lawson Purdy, Charles Frederic Adams, Clarence Ladd Davis, Henry Weissmann (secretary), Thaddeus P. Wakeman, and Dr. E. F. Smith. The following resolutions, offered by the editor of Liberty, were unanimously adopted:

Whereas, the legislature of the State of New York for 1896 passed, and the then governor of the State signed, a special jury law whereby the trial of important criminal cases will be taken out of the hands of ordinary juries and placed in the hands of special juries drawn from a special panel of at least three thousand men; and

Whereas, special jury commissioners have been appointed under this law in the counties of New York and Kings—the only counties to which this law applies—and are now engaged in selecting special jury lists; and

Whereas, this law creates a new and dangerous departure by placing the selection and control of special juries and of the special jury commissioners in the hands of the judiciary; and

Whereas, it forbids the selection for special jury duty of any person who avows such a prejudice against any law of the State as would preclude his finding a defendant guilty of violating such law, thereby preventing every man whose intelligence and sense of justice will not allow him to become an instrument for the execution of a particular law, to him revolting, from serving as a juror in any criminal trial of high importance, even though he thoroughly approve the law whose violation is the occasion of such trial; and

Whereas,, it further forbids the selection for special jury duty of any person who has been convicted of a criminal offence, notwithstanding the fact that many of the acts which the laws pronounce criminal may be and are committed daily by men whose unquestionable intelligence, honesty, and love of order peculiarly fit them for jury service; and

Whereas, by these exclusions, it throws out of the special jury box all men of independent mind, and fills it with mere tools for the execution of unjust and tyrannical designs; and

Whereas, by exempting from ordinary jury duty the three thousand men selected for the special jury list in each county where the law applies, it so alters the ordinary jury list as to make it less representative of the community at large, and thereby strikes a blow at the jury system, to say nothing of making the burden of ordinary jury duty more onerous by largely reducing the number of men liable to such duty, while lessening but very little the sum total of such duty; and

Whereas, as a condition of exemption from ordinary jury duty, it imposes but a very small amount of special jury duty, thus offering to those who are rich enough, or powerful enough, or unscrupulous enough, or pliant enough, to gain admission to the special jury list, what the special jury commissioner for the county of New York is said to have described as "the juror's peradise"; and

Whereas, it seriously adds to the danger of every accused person tried under its provisions by refusing to such person what every accused person has hitherto enjoyed,—namely, the right to appeal to a higher court for review of the trial court's decision upon the admissibility to the jury box of a juror challenged for actual bias; and

Whereas, it being applicable only to New York and Kings counties, it unwarrantably discriminates between citizens, since its provisions, if just and beneficial, should be enjoyed by citizens of all counties alike, and, if unjust and detrimental, should not be enforced upon any; and

Whereas, for the various reasons specified, it is capable of being utilized for trial by the classes, of questions deeply affecting the liberty and welfare of the masses, to the nullification of that supreme safeguard of popular liberties, the right of the accused to trial by jury of his peers, which we owe to the men who, bearing arms in their hands, exacted from the tyrant John, nearly seven hundred years ago, the Great Charter of English Liberties,—therefore

We, citizens of New York and Kings counties, in mass meeting assembled, in the hall of the Cooper Union, on this twenty-fifth day of June, 1897, do hereby resolve:

1. That we protest against the presence in the statute books of the special jury law herein described, and demand that the State legislature, at its next session, repeal it without delay.

2. That we cannot too strongly condemn the legislators who voted for this law, and the then governor, Levi P. Morton, who signed it, for thus recklessly laying hands on the most valuable of our political institutions, already seriously weakened by the steady encroachments of judicial usurpation.

3. That we call upon the justices of the appellate divisions of the supreme court to whose discretion is entrusted the ordering of special jury trials under this law, to steadily refuse, in the exercise of that discretion, to order such trials, on the ground that by their very nature they cannot contribute to that "due, efficient, and impartial administration of justice" at which the law professes to aim.

4. That, remembering the splendid judicial services already rendered by the Hon. William J. Gaynor, justice of the supreme court of the second judicial district of the State, in defending the rights of the citizen against official invasion, we especially and confidently rely upon him to use his large influence, as jurist as well as publicist, to thwart the evil designs of the enemies of trial by jury.

5. That, while realizing that the friends of liberty and equality can expect no aid from that portion of the daily press which habitually gives sanction to every new form of of oppression and privilege, we wonder at the apathetic silence on this momentous question thus far maintained by the New York dailies that champion the cause of the common people, with the single exception of the "Daily News," to which, for lifting its voice against this iniquitous law, we offer our heartiest thanks.

6. That we call upon each and every citizen who may be drawn for ordinary jury duty to enter his individual, separate, and public protest, from his seat in the jury box, against being compelled to serve upon a jury, on the ground that the exemption of three thousand special jurors from ordinary jury duty places upon his shoulders an unfair burden.

7. That we likewise urge upon every trial juror the importance of upholding the independence of the jury box by resenting with dignity, but with firmness, every attempt of the bench to encroach upon it, and especially by declining to render a verdict at the dictation of the court.

8. That it is the duty of every member of the bar, in the interest of his client, of his profession, and of the public welfare, to second the efforts of jurors to maintain their prerogatives.

9. That, agreeing with Justice John Dean, of the supreme court of Pennsylvania, that the jury should "represent the conscience and intelligence of the whole people," we demand the repeal of that section of the regular jury law which exempts from jury duty all persons not worth two hundred and fifty dollars.

10. That a printed copy of these resolutions, signed and certified to by the secretary of this meeting, be forwarded by him to the governor and lieutenant-governor of the State, to the secretary of State, to ex-Governor Levi P. Morton, to every member of the legislature of 1896, to every new member of the legislature of 1897, to every member of the State court of appeals, to every supreme court justice of the State, to the recorder of the city of New York and to each of the three judges of general sessions, and to the district attorneys and commissioners of jurors, ordinary and special, of New York and Kings counties; and that these officials and ex officials are hereby requested to regard these resolutions as notice served upon them that the citizens of New York and Kings are alive to their interests, jealous of their liberties, and determined to protect both.

A strong letter from Dr. W. J. O'Sullivan, the eminent criminal lawyer, was read, in which the writer announced his sympathy with the purpose of the meeting, and predicted that the law would be declared unconstitutional as soon as a test case should arise. In addition to this the following letters were read:

I appreciate your courteous invitation to address Friday night's meeting at Cooper Institute. I ask you to count me out. If I thought a *protest* would be of any use, I would join you in protesting, regardless of the sneers of the ruling powers at the protest. The grip of the enemy is on the country's throat, and can be broken only by energies not yet vitalized in New York. JOHN SWINTON.

I am very sorry that my absence from town prevents my attending the meeting on June 25 to protest against the system of substituting trial by judges' deputies for that of trial by a jury of the peers. It appears to me to be a distinct warning that, if the masses do not soon assert themselves, the classes will put it out of their power. BOLTON HALL.

In answer to your card of June 17, I beg to say that I shall be unable to be present at your meeting at Cooper Union on June 25, owing to a previous engagement which I cannot forego. W. J. GAYNOR.

I have received your kind invitation to be present and be one of your honorary vice-presidents, and to speak at a mass meeting, to be held in Cooper Union on June 25, 1897. As I have already responded to an invitation to be at a meeting of the Physicians' League of the Greater New York on that date, I fear that I may not be able to be with you; but, if so, it may be later in the evening.

I would suggest that you invite Judge Gaynor to speak upon the question at issue. He has assailed the law vigorously upon more than one occasion. Wishing you every success, and hoping that I may yet be with you, E. F. SMITH, M. D.

I regret that an engagement of long standing will prevent me from being in town on Thursday evening. I am glad that the Central Labor Union is disposed to examine critically such legislation as the special jury act of 1896, and to remind the public that eternal vigilance is the price of liberty. A jury, in order to fulfil its functions properly, should be a fair representative of the whole community. It would have been manifestly unjust to try the officers of the Tobacco trust before a jury composed exclusively of wage-earners, or to submit the case of Debs to a jury of railway directors. In neither case could the accused be truly said to have been tried by his peers. If the effect of the special jury act is to be (as seems likely) the selection of a limited number of men from the well-to-do and more highly educated portions of society for the trial of important cases involving the relations of capital and labor, it is evident that the juries drawn under it either will be prejudiced or (and this is equally undesirable) will be suspected of prejudice. It would be interesting to ascertain from the commissioner how many *bonâ fide* wage-workers are already on his list.

As for the difficulties in obtaining a jury, to obviate which the act was passed, our judges and lawyers are exclusively responsible for them. In no other country of the world are weeks wasted in a single trial to secure the services of a dozen blockheads who never read the papers. A little ordinary sense on the bench is the only remedy necessary. After four years' experience on a court administered upon the French system, I can testify that the technical, pettifogging methods which obtain in our tribunals, when facts are to be proved, whether relating to a juror's qualifications or to any other matter, appear puerile and absurd in the extreme. There is no reason why a judge should not be permitted to apply the same common sense in his court which he exercises in his household.

It seems to me therefore that the special jury act is entirely uncalled for, and that nothing but evil can arise from it, and for these reasons I heartily favor its repeal. ERNEST H. CROSBY.

In pursuance of the suggestion made in the letter from Mr. Crosby, that gentleman was appointed a committee of one to examine the special jury list, with the permission of the commissioner, and report through the press in what proportion the various occupations, professions, and trades are represented therein.

Love and War.

Come!
Why separate yourself from me
When youthful blood in both of us
Flows like a fountain full and free?
Ah! what is it that stirs you thus?
The music of the rolling drum
Blood of your race to battle calls,
To battle calls; but think of this:
In foremost fight the hero falls,
And I am here to kiss and kiss.
See, as the sunset gilds my hair,
Am I not sweet? am I not fair?
Is not my bosom ripe and warm?
Let those go hence who have not me,
Whose hearts are wild with misery
And hopeless yearning for the charm
Of some loved woman's supple form.
Let youths, too callow yet to feel
Love's reckless ecstasy; let boys
Who have scant knowledge of the joys
Of intertwining passion,—go
And press their hearts against the steel;
Or those who now are surfeited
And past their prime, and Venus-fed
So long they fain would turn to Mars
For wholesome change,—let their blood flow
In these accursed intestine wars.
But you and I were planned to mate,
Passioned and powered to re-create.
So to fulfil the bond of clay
Enjoined by long heredity,
My willing shape must yield to you.
Your strength, your beauty, your desire,
Must be as fuel to the fire
That every day breaks out anew.
This is the universal law.
Take, then, what is by fate your due.
My form your form was fashioned for;
And what affection I can give
To nurse desire belongs to you,
That human life may never cease to live.

William Walstein Gordak.

Tennie Claflin's Pet Tyranny.

To the Editor of Liberty:

Lady Cook (*née* Tennessee Claflin) is one of those well-meaning persons who write voluminously on social subjects without the qualifications of knowledge and insight. Her latest set of hysterics has to do with the contagious diseases acts, which she wishes to see re-imposed in England. Some of her arguments are worth producing here, if only to show what puerile pleas it is possible to put forward in favor of establishing a terrible tyranny.

Writing in the "Agnostic Journal" (June 5, 1897), she says:

Worse than this, those who disseminate it (venereal disease) do so, in almost every case, knowingly and wilfully, and are, as a class, the least worthy of any tender consideration.

This aptly illustrates the methods of writers like Lady Cook, whose literary propelling force is a combination of hysteria and zealotry. Are there no facts at hand with which to adorn an argument? Then it is the simplest matter in the world to dive into consciousness and bring up pseudo-facts with which to confute an opponent or support an advocacy. In what other way, indeed, could Lady Cook have come by her alleged fact that "those who disseminate venereal disease do so knowingly and wilfully in almost every case?" Did she take the *ipse dixit* of some opinionative male relation, or had she the key to the motives of all the venereally diseased who, up to the time of her writing, had ever communicated such disease? We might safely ask her to produce her blue books, or other statistical documents upon which she founded her assertion, for, in the very nature of the case, it is impossible to compile such statistics. On the other hand, the writings of acknowledged experts may be cited to show that venereal disease may be frequently communicated without the party communicating it being even aware of the existence of the disease in his or her person. First, all the authorities are agreed that the incubatory period of the syphilitic chancre is a long one, varying from one to six or more weeks, during which period the diseased person is a possible source of contagion and is completely ignorant of the fact.

Rizat says:

It results that in women the chancre is *rarely* proved to exist *de visu*. It is developed in almost all cases in an insidious way, without any kind of pain, and the woman becomes *an involuntary source of contagion.*

M. Fournier says:

The slightest lesions of the secondary period are those which are most dangerous as agents of contagion. And they are most dangerous simply because of their benign appearance. They seem to be of such small importance, and have so inoffensive an appearance, that no attention is paid to them, and their nature is unsuspected, and consequently he (or she) who is suffering from them puts himself in the way of communicating the complaint. Let us add that they may very easily remain unperceived.

Ricord, another high authority, says:

Women will frequently communicate a gonorrhœa without having it themselves. They give it twenty times for once that they themselves suffer from it.

But, in spite of this easily available evidence to the contrary, Lady Cook rushes into print with an assertion that in nearly every case venereal disease is communicated knowingly and wilfully. This palpable slander is in itself contemptuous enough, but what shall we say to her proposal to make the communication of venereal disease a penal offence? Her extraordinary proposition reads:

Let it be a penal offence to every one suffering from this disease to expose another to the risk of infection, and strongly penal to communicate it. Let it be open to any one to lay an information, so that it be done circumspectly and without malice.

Totally ignorant of the views of medical experts as to the facts of venereal contagion, Lady Cook levels against the unfortunate class of the venereally diseased as a whole a grossly unfounded charge of criminally communicating disease, *in nearly every case*, and then proceeds to urge that any communication of such disease, with absolutely no qualifying exceptions whatever, should be made strongly penal. Whether the disease has been communicated knowingly or unknowingly, it is to be open to any one "to lay an information," and the vengeance of society is to be added to the physical sufferings of the unfortunate victims of disease. Lady Cook need go only one step further to advocate the resuscitation of the barbarous cruelties of the middle ages, when venereally-diseased persons were publicly flogged, branded with hot irons, and starved to death.

ORFORD NORTHCOTE.

Mutual Bank Paper.

Mr. Tucker's belief that Greene made provision for the acceptance of specie is not well grounded. In the very last sentence in "Mutual Banking" Greene says: "The Mutual Bank which has no vault for specie other than the pockets of the people." This shows conclusively that Greene did not expect the bank to handle specie at all.

Why should Greene try to discredit his chosen standard by charging a discount to those who paid it? There could be only one motive, and that was to deter members from bringing that commodity (silver) to the bank, and to induce them to bring mutual bank notes. Nor is the bank discrediting its standard; it is simply assessing the member for the expense and risk of handling the specie. Can Mr. Tucker explain the charging of this discount on any other hypothesis?

The omission of the first half of the seventh proposal from the petition is more than made up in the following quotations. They are from "Mutual Banking." The italics are mine.

No Mutual Bank shall receive other than Mutual-Bank paper-money in payment of debts due to it, except at a discount of one-half of one per cent.

This transaction, generalized, gives the Mutual Bank, and furnishes a currency based on products and services, *entirely independent* of hard money.

Any community . . . may *totally* abolish the use of hard money.—*Page* 39, *Fulton's edition.*

The mutual money would serve *all* the purposes of the internal trade, leaving the hard money, and paper based on hard money, to serve *exclusively* for the purposes of trade that reaches out of town.—*Page* 41.

But Mutual Banks, having no fear of a run upon them, as they have no metallic capital, and *never* pretend to pay specie for their bills, can always discount good paper.—*Page* 58.

But we are not limited to these quotations, but have Greene's own words on this very question, precisely twenty-four years after, at the very time when Mr. Tucker speaks of his matured thought and more careful methods.

In his "Fragments"—a number of his essays compiled in 1875—Col. Greene reproduced the essential part of the petition, and made the following comment. The italics are his.

When we presented ourselves before the committee on banks and banking of the Massachusetts legislature, session of 1850-51, to defend the above petition, our proposition (*to issue bills redeemable at sight, not by having specie paid down on their face, but by being receivable at their face value, in discharge of claims, by each and all of the members of the particular mutual banking companies issuing them*) was treated as preposterous, and as hardly deserving to be taken into serious consideration. It was said that such bills, *because not ultimately convertible into specie, would never circulate.* Time brings many changes, and, among them, changes in men's opinions. We have lived to see the United States destitute of all currency other than one composed, on the one hand, of inconvertible treasury notes, redeemable, by having specie paid down on their face, at no time and nowhere, but redeemable always and everywhere, by being receivable in discharge of claims of the United States, the parties issuing them, for certain classes of taxes; and composed, on the other hand, of national bank-notes, convertible, on presentation, into inconvertible treasury notes. Such is life. It is our conviction, if the national banking laws, and the laws requiring payment of custom's dues in gold, should be repealed, that the greenbacks, even if they should be stripped, as they ought to be, of their unconstitutional legal-tender characteristic, would float at par with gold, to an amount superior to the total amount of all the paper money—greenbacks and bank notes—now floating below par with gold in the United States.—*Pages* 50-51.

Had Greene believed in ultimate specie redemption, he would have said so right here; instead, he shows how the United States adopted an irredeemable currency system. This currency circulated at a discount. To bring it up to par, *all* that Col. Greene thought necessary was to strip it of its legal-tender attribute, and make it receivable for custom's dues.

Besides the above five quotations from "Mutual Banking," there are twenty-five which give color to my interpretation; this makes one quotation for every two pages in the book. Were they equidistant, it would be impossible to open the book anywhere without being confronted by one.

Mr. Tucker admits that Proudhon did not believe in ultimate specie redemption. In the extracts translated by Greene Proudhon's position on this point is expressed, yet Greene, who criticises a number of features in Proudhon's plan, passes over this without comment.

From the evidence, positive and negative, I think we are justified in saying that Greene fully shared his master's belief. But, whether he did or not, Mr. Tucker certainly dissents from it. In an article written by him for the "Conservator," in reply to one of mine, he says:

While under Greene's plan probably more than ninety-nine per cent. of the bank notes would be cancelled by re-exchange for the individual mortgage notes against which they were issued, the main strength and the circulating power of all these bank notes would reside in the certainty that such portion of them as might not be cancelled in the manner mentioned would, as an ultimate, be redeemed, to the full extent of their face, in the commodity employed as a standard of value.

This idea is repeated in Liberty, No. 352, where it is said that to float a large volume of mutual bank notes merely on the strength of the members' agreement to receive them in lieu of specie is an assumption of unwarrantable violence.

Cannot a large number of notes be floated when enough members join a bank to make it possible for a holder of a note to buy the different products or services commonly needed?

If a note is immediately convertible into many products, and since each and every one of these products can be exchanged for every other, the one chosen as the standard is included. This gives the holder of the note the opportunity of immediate convertibility into the commodity chosen as the standard.

Why, then, is the ultimate redemption in one pro-

duct a greater source of strength than the immediate redemption in all products?

Mr. Tucker admits the probable cancellation of ninety-nine per cent. of the bank's notes. Let us see if Greene's plan does not provide for the cancellation of all.

Suppose A borrows $1,000 at the bank. It is secured by a mortgage on $2,000 worth of property. The mortgage note falls due and is not paid. The property is sold, and brings $1,900. Should A insist on gold for his equity, it will be necessary to have $900 of the $1,900 in gold to pay him; but, since this sum is the amount over and above the bank's claim, it has nothing to do with the cancellation or redemption of the notes of the bank originally loaned. For its claim the bank would receive its own notes, and they would be paid in, because the bidder would lose $5, if he paid in any other kind of money.

Mr. Tucker speaks of presenting a note to the bank after maturity. This is to me an entirely new point. Why is it desirable to have the notes mature?

HENRY COHEN.

Blackmail by Legal Process.

The Chicago "Chronicle" lately published the following letter from Edward Osgood Brown, prominent in Chicago as a lawyer, a Single Taxer, and an Individualist:

I desire, through the columns of your paper, to describe transactions now going on under the direction of a State board of officials appointed by the governor, which, to my mind, are little short of conspiracy and extortion.

By an act which was passed in 1881, amended in 1887, again in 1889, and finally in 1895, the "practice of pharmacy" in Illinois is regulated. A board of pharmacy consisting of five members is provided for, to be appointed by the governor from the registered pharmacists of this State actively engaged in the practice of their profession. The ostensible object of this act is, of course, to protect the public from the danger of incompetent compounders of prescriptions. The purpose for which the act is used, however, and has been since its inception, is to assist in maintaining a strict trade union among druggists, and the discouragement as much as possible of competition to retail drug stores. This, although an utter perversion of the law, has been the policy of the board of pharmacy from the beginning. This may not be, under the circumstances, unnatural, however blameworthy. But the methods of enforcing this policy, as now extensively put in practice, deserve more than a mild criticism. I will give an instance in point.

The proprietor of a general merchandise store keeps a small assortment of such drugs and household remedies as are commonly in request in this vicinity for the convenience of persons who, in trading at his establishment, sometimes include in their orders a small quantity of such preparations as "sarsaparilla," or perhaps a few quinine pills. His sales are extremely small of drugs or medicines of any kind, and he compounds no prescriptions. As stated, he keeps medicines at all purely for the convenience of customers in other lines. With a praiseworthy intention to conform to the law, however, he employs a registered pharmacist as the law requires, and displays the certificate of registry in the proper place.

At the lunch hour, between 12 and 1 o'clock, a few days ago there came into the store a man who desired a small phial of quinine pills. Contrary to the instructions given by the proprietor, but out of a spirit of accommodation, a small sealed phial of these pills was sold by a salesman who was not a "registered pharmacist," the "registered pharmacist" in charge of the drug department having gone for his luncheon.

The man thus buying the quinine was a person who has been for two years employed by the "board of pharmacy" of the State of Illinois to go to such dealers at such times as he may be most likely to entrap them, and purchase drugs in this manner. He straightway went to a justice of the peace, who is himself a druggist, and took out a summons for the proprietor of the general merchandise establishment. When the proprietor traveled several miles to the office of the justice before whom the complaint was made, he was confronted by this witness, who told the story of his purchase, and by a lawyer, who said that he was detailed for the purpose of prosecuting these cases by the State's attorney's office. The proprietor testified in his own behalf that he tried to conform to the law in every particular; that he had given strict orders that no drugs of any kind should be sold except by the registered pharmacist whom he had in his employment; that he knew nothing of this particular sale, and therefore could not deny that at some moment when the registered pharmacist was absent from the counter the phial of quinine pills in question might have been sold. He was promptly fined ten dollars and costs.

He prayed an appeal, whereupon he was informed by the lawyer representing the State's attorney that they had several other instances of the same kind of sales in reserve, and proposed to serve summons upon him day after day, until he should be very tired of coming several miles, making a defence, and appealing. He was informed by the clerk of the justice that it would be a good deal cheaper to settle than to appeal, and finally this proposition was made to him by the lawyer in charge of the case:

"If you consent to a second recovery of ten dollars and costs, and will undertake within sixty days to close up entirely the drug department of your establishment, I will undertake, in behalf of the people of the State of Illinois, that you shall not be prosecuted for the other violations of the law of which we hold evidence."

To enforce the desirability of this proposition the sad experience of other department-store proprietors was cited, who, after having several times been put to the inconvenience of appearing before the justice, had concluded to settle.

This one instance that I have given is within my actual experience to-day, but it is not isolated by any means. This business is the constant occupation of the board of pharmacy and its employees, and there is not a department-store proprietor in town who cannot testify to its efficacy as a method of blackmail.

The law in question provides that all penalties collected under the provisions of the act shall inure to the board of pharmacy, and that the secretary and members of the board shall receive the compensation allowed to them from such fees and penalty, and that any surplus shall be held by the treasurer as a special fund for meeting the expenses of the board and the expense of the Illinois Pharmaceutical association. The motive for the blackmailing association—for it is nothing else—is thus rendered very plain. But can the State of Illinois afford to stand behind such proceedings? Would it not be wise for the State's attorney to withdraw the delegation of his power to the lawyer above described, and the Illinois board of pharmacy to end the employment of the spy and informer in question?

Anarchist Letter-Writing Corps.

The Secretary wants every reader of Liberty to send in his name for enrolment. Those who do so thereby pledge themselves to write, when possible, a letter every fortnight, on Anarchism or kindred subjects, to the "target" assigned in Liberty for that fortnight, and to notify the secretary promptly in case of any failure to write to a target (which it is hoped will not often occur), or in case of temporary or permanent withdrawal from the work of the Corps. All, whether members or not, are asked to lose no opportunity of informing the secretary of suitable targets. Address, STEPHEN T. BYINGTON, East Hardwick, Vt.

☞ For the present the fortnightly supply of targets will be maintained by sending members a special monthly circular, alternating with the issue of Liberty.

*** *Please note change of secretary's address.*

Target, both sections.—The "Boston Investigator," Paine Memorial Building, Boston, Mass., published on June 5 a letter from Werner Boecklin, in which, after commending certain editorial statements of the paper, he says:

But where would we be to-morrow, if to-day you take from government all but its duty as a punisher of aggressive members of society? The answer is simple. To-morrow we would have no government, as we know it now, but would be living under a new *régime*,—a *régime* which recognizes as aggressive compulsory taxation, banking laws as aggressive which allow a privileged few to do business under them, a system of tariffs as aggressive which keeps labor from going upon idle land, laws as aggressive which, through interest and taxation in many forms, take from the laborer ninety-nine cents out of the dollar which he has earned, that he may live and enjoy the remaining penny.

All these institutions our new *régime* would recognize as aggressive; and yet they constitute the government of to-day. So, Mr. Editor, you are advocating the abolition of government. Good again!

As you say, government has no more right to interfere with the liberty of the individual than one has to interfere with the rights of another. The people must learn this lesson: Whatever social system is kept in operation by force is unjust; governments, being possible only by submission to laws backed by powder and steel, are unjust, and must be abolished.

Let us have a little more real liberty, and much less "law and order" by compulsion.

On June 12 it published a letter signed "* * *," saying that Mr. Boecklin's letter

startled me by its rank Anarchism, and still more by its flagrant attempt to make the editor of the "Investigator" responsible for, or at least in sympathy with, such irrational sentiments. As I happen to know that the editor of this paper entertains no such views, I feel sure that he himself will promptly repudiate the position sought to be imposed upon him; and I will therefore confine myself to such remarks on the correspondent's letter as are justifiable from an outsider, and one who is a well-wisher of the paper.

As a statement of the purpose of government (which he prefers to call "State"), he quotes the preamble of the national constitution, and says:

It appears to me that there is nothing wanting in the *purpose* of this so called government. If it has not, in fact, succeeded in securing all these blessings,—which I admit that it has not,—does it follow that collective authority should be abolished altogether, and that we should revert to a condition of barbarism, if not of savagery?

Look at the people of the United States to-day—individually, not collectively—from the most highly developed to the least developed man; how many of them can be expected to know the limits of their own "natural rights" or the "natural rights" of others? And how many of them can be expected to conform to those limits, even when they *do* know them?

And what does your correspondent mean by "natural rights"? . . . Is not all this talk about "natural rights" the merest balderdash?

Mr. Editor, I think that it is. The only "rights" which we have which are worth having, which are worth fighting for, which are worth dying for, are the rights afforded by the collective authority established by our forefathers and by ourselves, and which we can improve from time to time as social conditions change, and as the general intelligence of the people individually teach them to be necessary for the greatest amount of liberty and of happiness consistent with their capacities of due exercise and enjoyment.

I will stop here, with an invitation to your correspondent to controvert this position if he can, and to call in his friends to assist him to do so.

The same number contained an editorial paragraph addressed to Mr. Boecklin, saying:

In reply to your communication . . . in which you accused us of advocating the abolition of government, we will say that you have entirely misunderstood our position on that subject. . . . There is certainly a wide difference between advocating the limitation of the powers and functions of the State to the administration of justice and demanding its total abolition, the latter of which we never have done. . . . For the present at least, there is a need for it. We hope, however, that the time will come when each individual in society will be disposed to respect the rights of his neighbors therein; and, when that is the case, coercive government will cease to exist, as there will then be nothing for it to do.

Mr. Boecklin said nothing about natural rights, and what he said about rights seems to have been taken from the editorial he was commenting on. Take up "* * *"'s invitation to Mr. Boecklin's friends, and discuss any of the questions raised about Anarchism and the necessity of government. Do not make your letter unwieldily long. STEPHEN T. BYINGTON.

A Judge Disgusted with the Law.

[New York World.]

The monotonous grind of justice in Yorkville Court stopped yesterday afternoon when the sergeant led up to the bar William M. Stiles and Sophia McIntyre, both colored, and attired in their best clothes.

"What's the charge?" asked Magistrate Cornell.

"No charge at all, sir," replied the sergeant. "They just want to get married."

The magistrate looked sadly at the young couple before him, and said:

"I must decline. I don't care to discourage you, but in my experience on the bench I see too much trouble in married life. I never will perform a marriage ceremony."

In Memoriam.

The following resolutions, framed by Miss Katharine J. Musson and moved by Mr. G. F. Stephens, were recently passed by the Philadelphia Single Tax Society:

Whereas: The Single Tax Society of Philadelphia has been informed of the death of Mr. William A. Whittick, which occurred July 12, 1897, resolutions were unanimously ordered at the regular meeting, July 16, 1897, to express the deep regret and sorrow of the members of this society. Therefore be it

Resolved: while Mr. Whittick conscientiously and persistently opposed the members of the Single Tax Society, on their view of the land question, they always found him a seeker after truth, and one who nobly and fearlessly stood up for what he believed to be justice and liberty.

Mr. Whittick believed that the vital need of the day was the enunciation of true economic principles, believing that industrial freedom for the individual would abolish involuntary poverty among the masses, with all its attendant miseries and crimes.

To him Anarchism was the highest expression of the liberty which would lead to individual and social freedom.

His watch-words were:

> For always in thine eyes, O Liberty!
> Shines that high light whereby the world is saved;
> And though thou slay us, we will trust in thee.

Resolved: that these resolutions be entered on the minutes of this society, and copies sent to "Justice," Liberty, and the Philadelphia "Record," and to his family, as an expression from the members of this society of their sympathy, and as a token of the regard and esteem in which Mr. Whittick was held.

WILLIAM L. ROSS,
Secretary.

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